



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 13 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

In Reply Refer To:
02R-04-R4

Alphonso Johnson, President
PhenixCity/Russell County Branch NAACP
16 Old Crawford Road
Phenix City, Alabama 36870

Certified Mail # 7004 1160 0002 3622 7304

Edward O. DuBose, President
Columbus Branch NAACP
P.O. Box 423
Columbus, Georgia 31902

Certified Mail # 7004 1160 0002 3622 7311

Re: Dismissal of Administrative Complaint

Dear Mr. Johnson and Mr. DuBose:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is dismissing the February 16, 2004, administrative complaint filed by the PhenixCity/Russell County Branch of the National Association for the Advancement of Colored People (NAACP) and the Columbus Branch NAACP. The complaint alleged that the State of Alabama and the Alabama Department of Environmental Management (ADEM) violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and EPA's regulations implementing Title VI at 40 C.F.R. Part 7. Your complaint concerned ADEM's alleged denial of public participation rights to members of the NAACP and other residents living near the Continental Carbon facility in Phenix City, Alabama. As explained below, OCR is dismissing the complaint due to the actions taken by ADEM as a result of a 2004 court order.

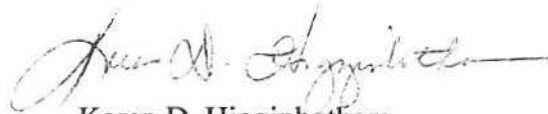
On March 29, 2005, Karen Randolph, a case manager in OCR, had a telephone conversation with Mr. DuBose. During the conversation, Mr. DuBose stated that the NAACP and residents living near the Continental Carbon facility had decided to withdraw the Title VI complaint as a result of a 2004 court order requiring ADEM to take proactive steps to improve their public participation process. According to Mr. DuBose,

the NAACP and residents living near the Continental Carbon facility are satisfied with the actions ADEM has taken to address the concerns alleged in their February 16, 2004, Title VI complaint.

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, it may be necessary to release this information, any related correspondence and records upon request. Should we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please contact Ms. Karen Randolph of the OCR External Compliance Program by telephone at (202)343-9679, via electronic mail at Randolph.karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Sincerely,



Karen D. Higginbotham
Director

cc: Onis Glenn III, Director
Alabama Department of Environmental Management

Honorable Bob Riley, Governor
State of Alabama

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Nancy Tommelleo, Title VI Coordinator
EPA Region 4